

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

BIS ADVANCED SOFTWARE SYSTEMS, LTD.,

Plaintiff,

v.

RED BEND SOFTWARE, INC.,  
RED BEND, LTD.,  
TIME WARNER INC.,  
ICQ, INC.,  
INSTALLSHIELD SOFTWARE CORP.,  
and  
SCANSOFT, INC.

Defendants.

Civil Action No. 04cv11960 (RWZ)

**[PROPOSED] ORDER OF DISMISSAL**

Upon Plaintiff's Motion to Dismiss and Motion for Reconsideration, and Defendants' opposition thereto, based, in part, on the scope of the covenant offered by Plaintiff, and for good cause shown, it is hereby ORDERED that:

Any claim for infringement of U.S. Patent No. 6,401,239 (the "239 patent") based upon (a) the software products currently used, made or sold by Defendant Red Bend, (b) products of Defendant Red Bend currently in "development", and (c) products specifically identified in the Salinger Declaration, *see* D.I. 64, ¶¶ 12-14 is hereby dismissed with prejudice. This dismissal includes claims against Defendant Red Bend's current customers, whether named in this action or not, for their use of such Red Bend products (*i.e.*, those identified above) in the United States.

Defendants' declaratory judgment counterclaims for invalidity of the '239 patent are hereby dismissed without prejudice.

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Rya W. Zobel  
United States District Judge